

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ABDELHAZIZ BENNAOUR  
A# 73-626-402 (PRO SE)  
PETITIONER

C.A. No. 04-12149-MLW

BRUCE CHADBOURNE, ET AL.,  
RESPONDENTS.

REPLY TO THE GOVERNMENT RETURN/  
RESPONSE / MOTION TO DISMISS DUE  
TO FAILURE TO EXHAUST ADMINISTRATIVE  
REMEDY.

Now come the petitioner pro-se Abdelhaziz  
Bennaour in response to the honorable Judge  
Wolf Request "if I had exhausted my  
administrative remedies."

The petitioner believes that he has reason-  
ably exhausted all administrative remedies.  
After the Immigration Judge denied the petitioner  
any relief under any immigration law or  
section. The petitioner appeals the decision  
of the Judge to the (BIA) Board of Immigration  
appeals.

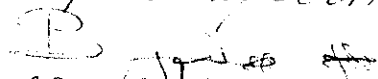
Then The (BIA) DISMISSED The petitioner's appeal on the ground that it was withdrawn and refused to reopen, despite all petitioner's effort to prove that he did not withdraw his appeal. See attach exhibit 1, 2, 3, 4, 5-6

Also The petitioner did not know that the date he was going to be removed from the soil of United States of America to Algeria

The petitioner had been informed by a immigration officer that very soon that the petitioner would be deported to his country, where his life would be in imminent danger. The petitioner did not know the exact date of removal.

Wherefore, for the above reasons petitioner states that he has exhausted his administrative remedies and that he did not know the exact day of his removal.

Date 10.19.04

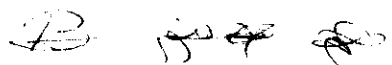
Respectfully submitted  
  
 ABDELHAK BENNEOU  
 ID: 0404692-BLg8-2  
 SUFFOLK. C.H.C.  
 20 BRADSTEN ST  
 BOSTON, MA 02118

### CERTIFICATE of SERVICE

I, ABDELAZIZ BENNAUR, hereby CERTIFY  
That I caused TRUE copy of the above  
document to be served upon special  
ASSISTANT U.S. ATTORNEY MR. FRANK CROWLEY  
at the address: po Box 8728 JFK station  
Boston, MA 02114. ON DATE: 10.19.04

by placing a copy in the Mail at the  
detention facility where I am detained.  
SUFFOLK. C. H. C.

Date: 10.19.04

Sincerely,  
ABDELAZIZ BENNAUR  
  
ID: 0404692 - Bldg 8-2  
SUFFOLK. C. H. C.  
20 BRADSTON ST.  
Boston, MA 02118



U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals, Office of the Clerk  
P.O. Box 8530  
5201 Leesburg Pike, Suite 1300  
Falls Church, Virginia 22041

EOIR Status Line: 800 898 7180

Date: 7-29-02

Alien number: 73-121-402

✓ Your submission is being returned for the reason(s) indicated. No record has been made of this correspondence and should you write again concerning this same matter, please return this notice along with your correspondence.

☐ **Name and "A" Number Unrelated**

The alien registration number referenced in your submission does not correspond to the alien's name. This material is returned to you so that this information can be verified or corrected.

☐ **No "A" Number**

Cases at the Board of Immigration Appeals are retrievable primarily by the alien's registration number ("A" number). As your submission does not provide the "A" number, this case cannot be located.

☐ **No Record of Case Pending**

The Board of Immigration Appeals shows no record that this case, as referenced in your submission, is pending before it.

☐ **Visit EOIR Website**

You may wish to visit the Executive Office of Immigration Review website at: [www.usdoj.gov/eoir](http://www.usdoj.gov/eoir) to view the Board's Practice Manual.

☐ **Verify the Alien Number**

You may wish to verify the name and "A" number.

☐ **Foreign Language Translation Required**

The Board of Immigration Appeals does not have translators available and cannot read your submission. Title 8, Code of Federal Regulations, Section 3.33, requires that any foreign language document offered by a party in a proceeding be accompanied by an English translation and a certification by the translator that s/he is competent to translate the document and that the translation is accurate. You may have your submission translated and returned to the Board.

☐ **Decision Rendered**

The Board of Immigration Appeals has rendered a decision in this case and there is nothing presently pending before the Board concerning this case.

☐ **Other**

*If you wish to file a motion to reconsider, you must submit \$110.00 or fee waiver.*

*EOIR Form*

Board of Immigration Appeals, Appeals Support Team

*EXHIBIT # 1*

**U.S. Department of Justice**

Executive Office for Immigration Review

Decision of the Board of Immigration Appeals

Falls Church, Virginia 22041

File: A73 626 402 - Boston

Date: JUL 11 2002

In re: ABDELAZIZ BENNOUR

IN REMOVAL PROCEEDINGS

MOTION

ON BEHALF OF RESPONDENT: Pro se

BOARD OF  
IMMIGRATION APPEALS  
OFFICE OF THE CLERK

2002 JUL 22 A 10:00

ORDER:

PER CURIAM. On May 29, 2002, the Board returned the instant record to the Immigration Court after the respondent informed the Board that he wished to withdraw his appeal. The respondent has now filed a motion to reopen with the Board. However, we find that we have no jurisdiction over this motion, as jurisdiction lies with the Immigration Judge. *See Matter of Mladineo*, 14 I&N Dec. 591 (BIA 1974). *See also Matter of Lopez*, Interim Decision 3343 (BIA 1998). Accordingly, the record is returned to the Immigration Court without further Board action.

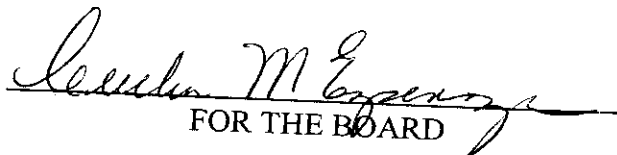
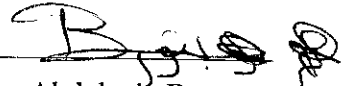
  
FOR THE BOARD

Exhibit # II

Sincerely Yours,

  
Abdelaziz Bennour

Dated: 7-17, 2002

2002 JUL 22 A 10:00  
BOARD OF  
JUDICIAL APPEALS  
OFFICE OF THE  
CLERK

Abdelhaziz Bennour  
160 Elm Street,  
Greenfield, MA. 01301

U.S. Department of Justice  
Immigration Review



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Appeals Processing Unit  
5201 Leesburg Pike, Suite 1300  
Falls Church, VA 22041

Date: 9/5/02

MEMORANDUM

TO: Office of the Immigration Judge

FROM: Dee Andrews  
Team Leader, Priority Case Management  
BIA

SUBJECT: A# 113-626-408

The attached is being returned for the following reason(s):

- ☐ INCLUDED IN A NON-RELATED CASE RECEIVED BY THE BOARD
- ☒ DECISION HAS BEEN ENTERED IN CASE
- ☐ BOARD'S ORDER WAS RETURNED AS UNDELIVERABLE
- ☐ DETAINED CASE: COPY OF UNSERVED DECISION WAS SENT TO INS.
- ☐ OTHER \_\_\_\_\_

Please do not hesitate to contact me if you have any questions about the above-mentioned information.  
The number is (703) 605-1007.

EXHIBIT # V